

**CAPITOL ZONING DISTRICT COMMISSION**  
**STAFF REPORT**  
**4/26/17**  
**BIM**



**Location:** 1301 South Spring Street  
**Applicant:** J.B. Mullins for Matthew Mentgen  
**Permit Types:** Certificate of Appropriateness

**Project Description:** This application is for a Certificate of Appropriateness to allow for the construction of a new, two-story single-family dwelling, a detached two-car garage apartment, and related site improvements. The approximately 2,250 square foot “L-shaped” house will be covered with brick veneer, horizontal cement fiberboard lap-style siding and vertical standing-seam metal panels over a masonry foundation. The concrete porch is flanked by decorative masonry features and leads to a glass and metal front door. A balcony over the front porch features a similar door, along with a glass and metal balustrade. Windows will be fixed, metal-clad wood, in a variety of sizes, including floor-to-ceiling windows on a portion of the south façade. The shed roof is comprised of the same standing-seam metal panels that constitute much of the second-floor siding. The detached two-car garage to the rear includes a second dwelling unit above. This shed-roof outbuilding features the same foundation, siding, roof and window materials as the main house, as well as two overhead metal garage doors. The yard between the two buildings is enclosed on the north and south by a six-foot privacy fence. The site plan also calls for the installation of two new concrete walkways leading to the front porch from Spring and Thirteenth Streets, and a new concrete driveway accessible from the alley.

**Historic Significance:** The southeast corner of Thirteenth and Spring was originally developed with a two-story furniture repair shop, which later became a house and then a community center. Over the first half of the Twentieth Century, this quarter block became a dense cluster of small single- and two-family dwellings, likely as segregated housing based on historic map labels placed on the community center. All the structures were razed in the 1950s, possibly as part of Little Rock’s aggressive urban renewal program. The large parcel sat vacant until 2000 when the National Register-listed Compton-Wood House (sometimes called the “doll house”) was moved to 1305 Spring from 800 High Street (now Martin Luther King, Jr. Drive). The property is in the Governor’s Mansion Historic District. The current owners acquired it in 2000.

**Previous Action:** The Commission approved an application to construct a new four-unit apartment building at this property in 2016. This permit is still valid, though construction has not begun.

**Zoning:** This property is in Zone "M", the residential zone that comprises most of the Mansion Area.

## Review Standards for Certificates of Appropriateness:

Capitol Zoning District Commission Rule, Section 2-105. C. 1. (b)A Certificate of Appropriateness shall ... be required for the erection of any new structure ...Applications for new construction requiring Commission approval will first be scheduled for a review by the Design Review Committee which will make a recommendation regarding proposed work's appropriateness in historical style in the context of adjoining or neighboring structures; and its consistency with the goals of the Commission's Master Plan and Standards.

*Staff finds the proposal constitutes a request to erect a new structure and requires a Certificate of Appropriateness that must be reviewed by the Design Review Committee and approved by the Commission.*

Capitol Zoning District Commission Rule, Section 2-105. C. 1. (e)When considering an application for a Certificate of Appropriateness, the Commission shall consider any applicable review Standards and Master Plan goals, the recommendations offered by the committees and staff, as well as any public testimony or evidence presented at the public hearing.

Capitol Zoning District Commission Rule, Section 2-105. F.... All changes in the Capitol Zoning District will be evaluated according to the General Standards and the applicable Area Framework Plan ... new construction, shall be evaluated according to the applicable Design Standards ... The Commission may issue the permit(s) if it finds the proposal to be substantially consistent with the Master Plan. In reviewing the application, the Commissioners shall consider the application and base their decision upon the report of the Staff, the recommendations of the Design Review Committee, advice from Advisory Committees, impact of the proposal on the property, neighboring properties, the District as a whole, and the goals of the Master Plan and the evidence or testimony presented by the Applicants and other interested parties at the public hearing.

*Staff finds the proposal should be evaluated using the General Standards, the Mansion Area Design Standards, and the Mansion Area Master Plan.*

## Capitol Zoning General Standards, Zoning Requirements for the Capitol Zoning District

### **Zone "M"**

Minimum front yard setback = 25 feet, landscaped, no parking (or 15' if historic precedent exists on the block)  
Minimum rear yard setback = 25 feet  
Minimum side yard setback = 10% of lot's average width, but never less than 5 feet from an adjoining property

*Staff finds the proposed 25' front and backyard setbacks and 5' side setbacks are consistent with these requirements.*

Maximum floor-to-area ratio = 1.1 : 1

*The parcel is standard 50' x 140' (7,000sf) downtown lot. The enclosed area of the main house is roughly 2,250 square feet, yielding a F.A.R. of approximately 32%. Even when one including the 655sf garage footprint and the 655sf living space above it, one arrives at a total enclosed area of 3,560sf and a F.A.R. of 51%, still well below the allowed 1.1:1.*

Maximum building height = Lesser of 2.5 stories or 35 feet

*The height of the roof's ridgeline is approximately 27 feet.*

**Accessory building, structure or use** "Accessory building, structure, or use" means a building, structure or use located upon the same lot as the principal building, structure, or use to which it is related... Accessory Structures must comply with the following requirements:

1. An accessory building or structure may occupy not more than thirty percent of the required rear yard.

*Staff finds the proposal to be consistent with this requirement. The proposed garage will have roughly 315sf located within the required 25' rear yard. This rule allows up to 375 square feet to be located there. (25' x 50' x 30% = 375sf)*

2. All single and two family residences shall be separated from accessory structures by a distance of not less than six (6) feet.

*Staff finds the proposed garage is consistent with this requirement. Based on the site plan, staff finds the garage will be six feet from the main house.*

3. No accessory building or structure shall be allowed in the front yard setback but in the side or rear yard setbacks, they shall maintain at least a three (3) foot setback from any property line. Where said rear yard abuts a dedicated alley, no setback shall be required from said alley.

*Staff finds the proposal to be consistent with these requirements. The proposed garage is located five feet from the nearest property line.*

Mansion Area Design Standards, *Design Standards for New Construction*

**Policy:** Creative new construction that is compatible with the historic character of the neighborhood is strongly encouraged. New buildings need not imitate older styles, and designs that contrast with the existing context simply for the sake of being different are discouraged.

*Staff finds the proposal is partially consistent with this policy. Staff believes the proposed building's size and placement are generally compatible with the historic character of the neighborhood. Staff also believes, however, that the distinctly contemporary style of the house – the roof shape in particular – represents a substantial contrast with the existing context.*

**M1. Respect historic development patterns.**

- Site a new building such that is arranged on its site in a way similar to historic buildings in the area. This includes consideration of building setbacks and open space.

*Staff finds the proposal to be consistent with this standard.*

**M2. Maintain the traditional character of alleys.**

- Maintain the traditional character and scale of an alley by locating buildings and fences along the alley edges to maintain the narrow width.

*Staff finds the proposal is NOT consistent with this standard. The proposed garage-apartment is nearly 14 feet from the alley. Placing it on the alley, however, would likely cause it to exceed the allowed backyard coverage for ancillary structures. Staff believes the proposal could comply with this standard by placing a low fence, wall, hedge, or other landscape feature along the alley's edge.*

**M3. Locate a new building within the range of setbacks seen traditionally in the block.**

- These include front, side, and rear yard setbacks.

**M4. Provide a front yard similar in depth to neighboring properties.**

**M5. Minimize the amount of hard surface paving for patios, terraces and driveways.**

- A grass lawn should be the dominant material of a front yard.

**M7. Provide a progression of public-to-private spaces when planning a new structure.**

- This includes a sequence of experiences, beginning with the "public" sidewalk, proceeding to a "semipublic" walkway, to a "semiprivate" porch or entry feature and ending in the "private" spaces beyond.
- Provide a walkway running perpendicular from the street to the front entry.

**M8. Orient the front of a primary structure to the street.**

- The building should be positioned parallel to the lot lines, maintaining the traditional grid pattern of the block.

**M9. Orient the primary entry of a building to the street.**

- In some cases, the front door itself is positioned perpendicular to the street. In addition to the front door the entry should be clearly defined with a walkway and porch that also orients to the street.

**M10. Clearly define the primary entrance by using a front porch.**

- The front porch should be "functional" in that it is used as a means of access to the entry.

**M11. Construct a new building to appear similar in mass and scale to single-family residences seen historically.**

- Provide a porch that is similar to those seen traditionally.
- Include landscape elements, such as fences and walkways, similar in scale to those seen traditionally.

**M13. The primary plane of the front should not appear taller than those of typical historic structures in the neighborhood.**

- No building may exceed two and one-half stories in height.

**M14. Design a new building to appear similar in width to that of nearby single-family structures**

- If a building would be wider overall than structures seen historically, the facade should be divided into subordinate planes that are similar in width to those of the historic context

*Staff finds the proposal to be generally consistent with these standards.*

**M15. Use building forms that are similar to those seen traditionally.**

- Simple rectangular solids are appropriate.

**M16. Use roof forms that appear similar to those seen traditionally.**

- Sloping roofs such as gable and hip forms are appropriate. The pitch should be similar to those of historic buildings in the area.
- The primary ridge line of a residential roof should not exceed the historic maximum for the block.
- Eave depths should be similar to those seen traditionally in the neighborhood.

*Staff finds the proposal is NOT consistent with these standards. The proposed shed roofs, trapezoid forms, and right triangles represent a substantial departure from the overall geometry of historic buildings in the area. (Staff notes, however, the roof's height and eave depths are similar to those seen traditionally.)*

**M17. Roof materials should appear similar in character to those used historically.**

- The material should appear similar in scale and finish to those used traditionally. It should be of earth tones and have a matte, non-reflective finish.
- Composition shingles are appropriate. Tile, slate and metal may also be considered.

*Staff finds the proposal consistent with this standard. The Commission has previously approved standing-seam metal roofs for new construction in the District.*

**M18. Use a ratio of solid-to-void (wall-to-window) that is similar to that found on historic structures in the area.**

- Large surfaces of glass are generally inappropriate. Divide large glass surfaces into a smaller set of windows that are similar to those seen traditionally.

*Staff finds the proposal consistent with this standard.*

**M19. Use building materials that appear similar to those used traditionally.**

- Horizontal lap siding is preferred in most applications.

**M20. New materials that are similar in character to traditional ones may be considered.**

- Alternative materials should appear similar in scale, texture and finish to those used historically. They also should have a proven durability in similar applications.
- For example, synthetic siding may be considered for a *new* building if the dimension of the exposed lap is similar to that used historically, and the finish, texture and trim elements are also in character.

*Staff finds the proposal consistent with this standard. The Commission has previously approved vertical metal siding for new construction in the District, as contemporary interpretation of board-and-batten siding seen historically.*

**M21. Use building materials that contribute to the traditional sense of scale of the block.**

**M23. The imitation of older historic styles is discouraged.**

- One should not replicate historic styles because this blurs the distinction between old and new buildings, as well as making it more difficult to visually interpret the architectural evolution of the district.
- Drawing upon elements of a traditional style in a manner that will convey a new building as being of its own time while maintaining a sense of compatibility with the historic context, however, is encouraged.

**M24. Contemporary interpretations of traditional details are encouraged.**

- New designs for window moldings and door surrounds, for example, can provide visual interest while helping to convey the fact that the building is new. Contemporary details for porch railings and columns are other examples.

**M25. Windows should appear similar in character to those of historic buildings in the area.**

- Windows on primary facades should be similar in size and shape to those seen traditionally.

**M26. Windows with vertical emphasis are encouraged on primary facades.**

- A general rule is that the height of the window should be twice the dimension of the width in most residential contexts.

**M27. Frame windows in materials that appear similar in scale, proportion and character to those used traditionally in the neighborhood.**

- Double-hung windows with traditional depth and trim are preferred.
- However, other materials may be considered if the appearance is similar to that of the historically significant wood window in dimension, profile and finish.
- Windows should be trimmed in wood. This trim must have a dimension similar to that used historically.

**M28. Windows should be simple in shape.**

*Staff finds the proposal to be generally consistent with these standards.*

Mansion Area Master Plan, Planning & Design Goals

1. To ... promote new infill housing development ...
3. To create an improved image and stronger sense of identity.
4. To continue to develop a more family-friendly environment for residents and visitors alike.

*Staff finds the proposal to be generally consistent with these goals.*

Mansion Area Master Plan, Urban Design Goals

1. To preserve the character of the Mansion Area neighborhood ...
2. To establish a sense of visual continuity within the Mansion Area neighborhood.

*Staff finds the proposal is NOT consistent with these goals. Staff believes the proposed design represents a departure from the character and visual continuity of the Mansion Area.*

**Neighborhood Reaction:** Three Mansion Area residents (two of whom are immediate neighbors to this property) contacted staff to express opposition to the application. Another Mansion Area resident contacted staff in support.

**Staff Commentary and Recommendation:** Most readers of this report will likely agree this application represents an innovative approach to new residential construction in the Governor's Mansion Area, and staff believes the proposal is largely consistent with most of the criteria for a new house in the District. Of concern, though, are Design Standards M15 and M16, which call for infill construction to adopt traditional building forms and roof shapes. Staff believes it would be difficult to construe this proposal as consistent with these two standards.

Unlike the more rigorous Rehabilitation Standards for Historic Properties, the Design Standards for New Construction allow the Commission a great deal of interpretive flexibility to grant approval for a wide variety of infill designs. It is clear to staff that the writers of these standards intended this leeway to be broad, yet not unlimited. The question becomes "How different is too different?" Or, does inconsistency with Standards M15 and M16 constitute a "deal-breaker" for this proposal?

Staff believes to answer questions like this, one must step back and examine the broader goals for the Mansion Area. These goals were not initiated by the Commission, nor do they arise from any professional body of knowledge. Rather they derive entirely from the feedback and concerns of Mansion Area residents and property owners gathered during the last master planning process. If inconsistency with one or more Design Standards does not rise to such a level to make a proposal incongruous with these neighborhood goals, staff believes such instances should not be construed as "deal-breakers" and should, generally, not prevent approval of an application.

In this case, though, staff believes that the proposal's non-conformity with Standards M15 and M16 does, unfortunately, rise to this level. Staff recognizes the more contemporary building forms to the north across 13<sup>th</sup> Street, but these properties are more commercial in nature, and located outside of the Mansion Area. Staff rather finds that the 1300 block of Spring Street is comprised predominantly of Victorian-era houses (notably the Queen Anne style), characterized by vertically-oriented rectangles and isosceles triangles. Staff believes the horizontal rectangles, trapezoids, and right triangles that characterize this new design represent an abrupt break with the overall visual character of the Mansion Area. Staff believes this lot could potentially serve as a sort of architectural transition between the Modern forms across 13<sup>th</sup> Street and the more traditional forms to the south, but maintains that this proposal represents a step too far toward the contemporary.

Staff does not lightly recommend denial of an application for residential new construction, but regrettably, must arrive at that conclusion in this case. Staff commends the applicant's bold vision and willingness to invest in the District. Staff urges the applicant to consider more a more traditional building form, with a hipped and/or gabled roof, and a more vertical orientation.



**Design Review Committee Recommendation:** A motion to recommend approval of alternate design #1 (see page 25) – with a special notation that this property is located at the edge of the Mansion Area, adjacent to other Modernist structures, and that approval should not be construct as precedent-setting – failed unanimously (0-6). One member recused from the vote citing a professional relationship with the applicant.

**Mansion Area Advisory Committee Recommendation:** The MAAC voted 10-2 (with one member recusing, citing a personal friendship with the applicant) to recommend denial.

**\*\*\* UPDATE (5/24/17) \*\*\***

The Commission reviewed the application at its regular meeting on May 17, 2017. A motion to approve the application (specifically, the original design) failed on a 3-1 vote, with one member abstaining. The motion needed five affirmative votes to pass, and the Commission's rules provide that failure of a motion to approve a permit constitutes denial of the permit. The Commission instructed staff to draft findings of fact and conclusions of law supporting its denial of the permit.

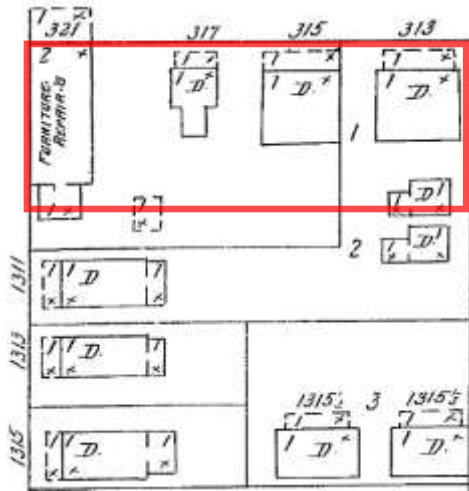
**Proposed Findings of Fact:** Based on the materials submitted by the applicant, the Capitol Zoning District Master Plan, archival maps and photographs, and a visit to the property and surrounding properties, staff finds that:

- 1) This application represents a request to construct a new single-family residence and a detached garage-apartment on a lot that has been vacant for at least 56 years.
- 2) The proposed site plan calls for a front yard and backyard setbacks of 25 feet and five-foot side-yard setbacks.
- 3) The house plan calls for 27 foot tall, 2,250 square foot “L-shaped” house with:
  - a. exterior walls comprised of brick, horizontal cement fiberboard lap-style siding and vertical standing-seam metal panels;
  - b. a masonry foundation;
  - c. a concrete porch, flanked by decorative masonry features;
  - d. a glass and metal front door;
  - e. a balcony over the front porch, with a glass and metal balustrade;
  - f. fixed, metal-clad windows, in a variety of sizes;
  - g. a shed roof comprised of the same standing-seam metal panels that constitute much of the second-floor siding;
  - h. a detached two-car garage to the rear with a second dwelling unit above, a shed-roof, the same foundation, siding, roof and window materials as the main house, and two overhead metal garage doors.
- 4) The architectural style of the proposed structures is distinctly contemporary, and is characterized by long, horizontal rectangular forms, trapezoids, and right angles.
- 5) Two other buildings, across 13<sup>th</sup> Street to the north and northwest of the parcel in question, outside of the Capitol Zoning District, exhibit Modernist architecture.
- 6) There are five other developed parcels adjoining the 1300 block of South Spring Street, and four are occupied by Queen Anne style houses, characterized by tall, vertical rectangular forms and isosceles triangles.
- 7) Mansion Area Design Standards M15 & M16 call for building forms and roof shapes similar to those seen traditionally in the neighborhood.
- 8) Mansion Area Urban Design Goals 1 & 2 call for protecting the visual character of the Mansion Area and for establishing a sense of visual continuity within the Mansion Area.

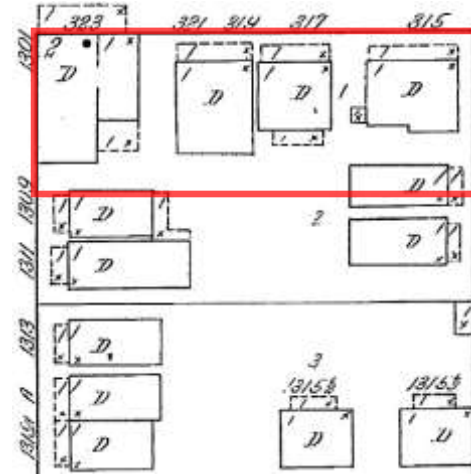
**Proposed Conclusions of Law:**

- 1) The overall form and geometry of the proposed new structures differs substantially from the traditional residential forms seen in the 1300 block of Spring Street.
- 2) The proposed work is not consistent with Design Standards M15 & M16.
- 3) The proposed work is not consistent with Urban Design Goals 1 & 2.

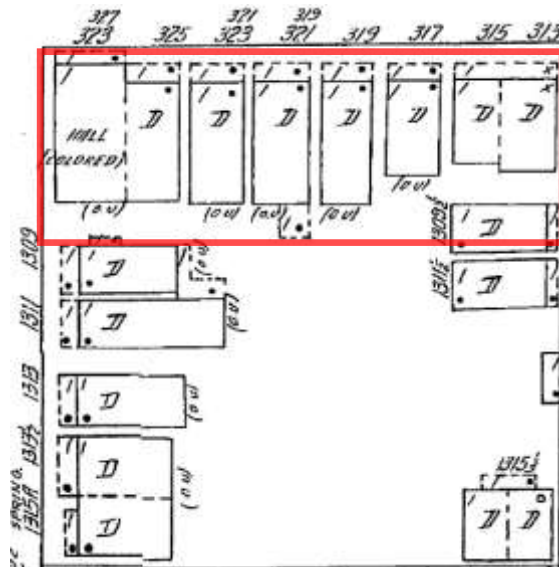
## Details from Sanborn Fire Insurance Co. Maps



1897



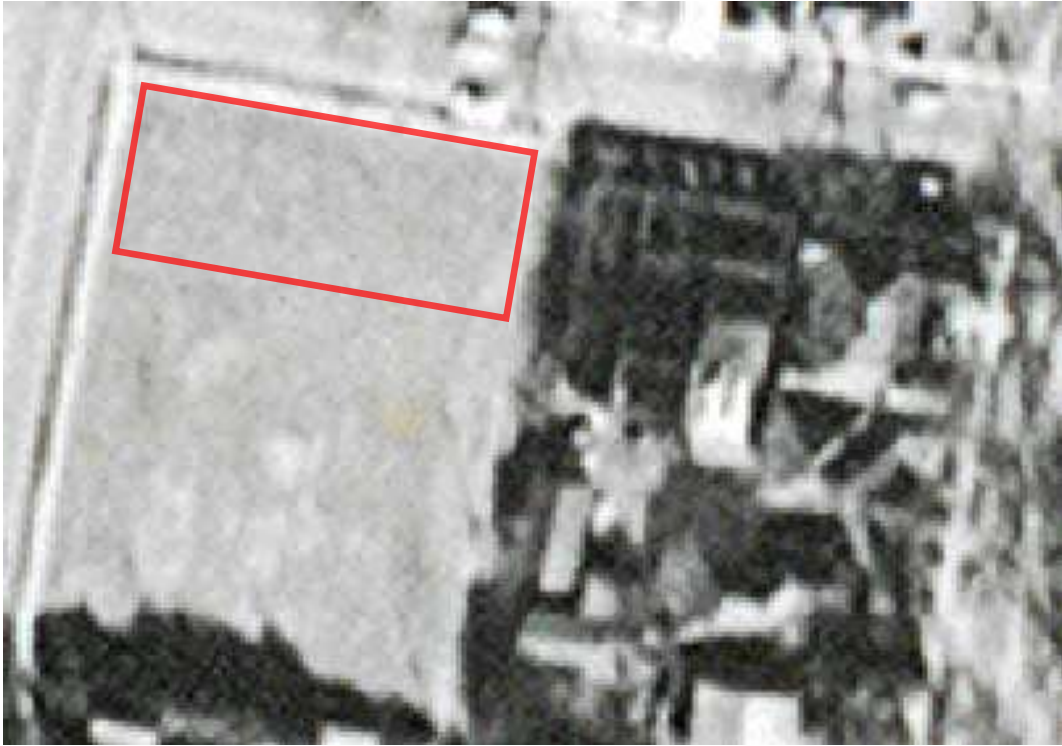
1913



1950

The northwest quadrant of the block contained various dense arrangements of small single- and two-family structures from the late 1800s through the middle of the 20<sup>th</sup> century. The lot where 1301 Spring is proposed to be built contained more than seven dwellings in 1950 along with a hall or meeting place classified as ‘colored’.

### Archive Aerial photo



**1960-** The entire northwest quadrant of the block was razed sometime between 1950 and 1960, possibly as an application of Little Rock's aggressive Urban Renewal efforts of the day. The parcel appears to have remained empty until 2000 when the National Register-listed Compton-Wood House was relocated from 800 High Street (now MLK) to the middle of the parcel at 1305 Spring. The approximate outline of 1301 Spring is shown in red. (also note the presence of the 'Ruin' at 305 W. 13<sup>th</sup> in this aerial photo).

### 2016 photo of property





Current photos of property





## Neighborhood Context



Structures across 13<sup>th</sup> Street to the northwest and north (outside of the Capitol Zoning District)



The 'Ruin' immediately to the east across the alley. (Note: the CZDC previously approved demolition of this incomplete structure, but the current owner is seeking a Variance to preserve it by completing it as a single-family house)



### Neighborhood Context (cont.)



1316 and 1314 Spring located to the southwest across Spring Street



Side yard of 403 W 13th (directly west across Spring Street)



Compton-Wood House at 1305 Spring (directly south)



## CAPITOL ZONING DISTRICT COMMISSION

### APPLICATION FORM

PROPERTY ADDRESS 1301 Spring St. Little Rock, AR 72202

PROPERTY OWNER Matthew Meertgen

PERSON FILING APPLICATION J.B. Mullins  
*if other than owner*

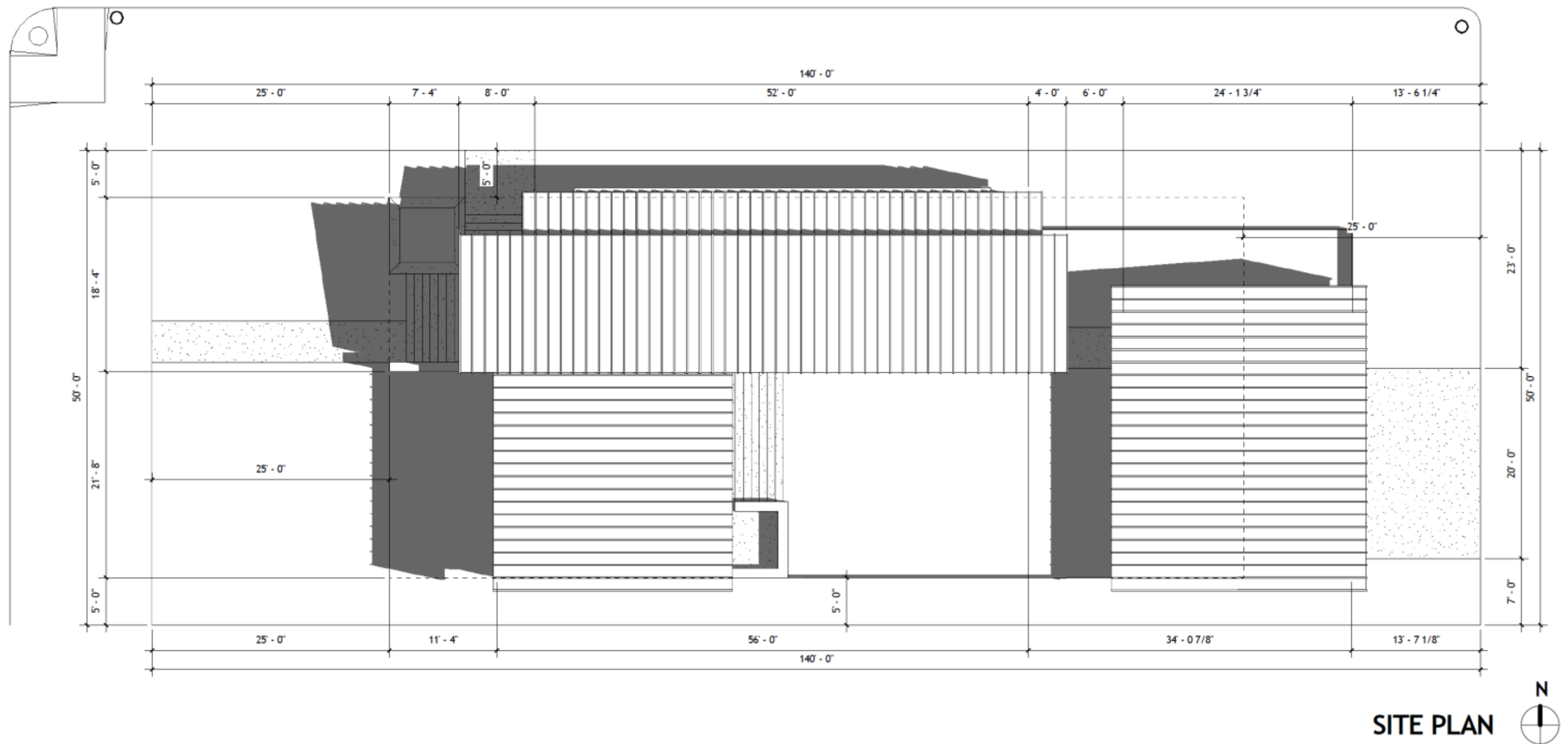
APPLICANT PHONE AND EMAIL [REDACTED]

APPLICANT SIGNATURE AND DATE J.B. Mullins 4-17-17

*Signature certifies that applicant is authorized to represent this property, and that all information presented in this application, as well as in any supporting materials, is true and correct to the best of the signatory's knowledge.*

DESCRIPTION OF PROPOSED WORK AND / OR USE New single family residence on an empty lot.

*Attach as many pages or supporting materials as necessary. The Commission and its staff cannot make a determination on your application without a complete description of the property's proposed appearance, materials, and/or function. An application is not complete until all applicable supporting materials have been submitted to staff. Electronic submittals (email, scanned documents, PDFs, digital images, etc) are welcome.*







**WEST ELEVATION**

PRE-FINISHED STANDING SEAM METAL PANELS

4" FIBER CEMENT LAP SIDING - PAINTED

6' PRIVACY FENCE



PRE-FINISHED STANDING SEAM METAL PANELS

CLAD WOOD WINDOWS

4" FIBER CEMENT LAP SIDING - PAINTED

MODULAR BRICK VENEER

MODULAR BRICK VENEER WITH INTEGRAL COLOR MORTAR

NORTH ELEVATION

PRE-FINISHED STANDING SEAM METAL PANELS

4" FIBER CEMENT LAP SIDING - PAINTED

MODULAR BRICK VENEER

MODULAR BRICK VENEER WITH INTEGRAL COLOR MORTAR



PRE-FINISHED STANDING SEAM METAL PANELS

4" FIBER CEMENT LAP SIDING - PAINTED

MODULAR BRICK VENEER

6' PRIVACY FENCE

6" FIBER CEMENT LAP SIDING - PAINTED

SOUTH ELEVATION



PRE-FINISHED STANDING SEAM METAL PANELS

CLAD WOOD WINDOWS

4" FIBER CEMENT LAP SIDING - PAINTED

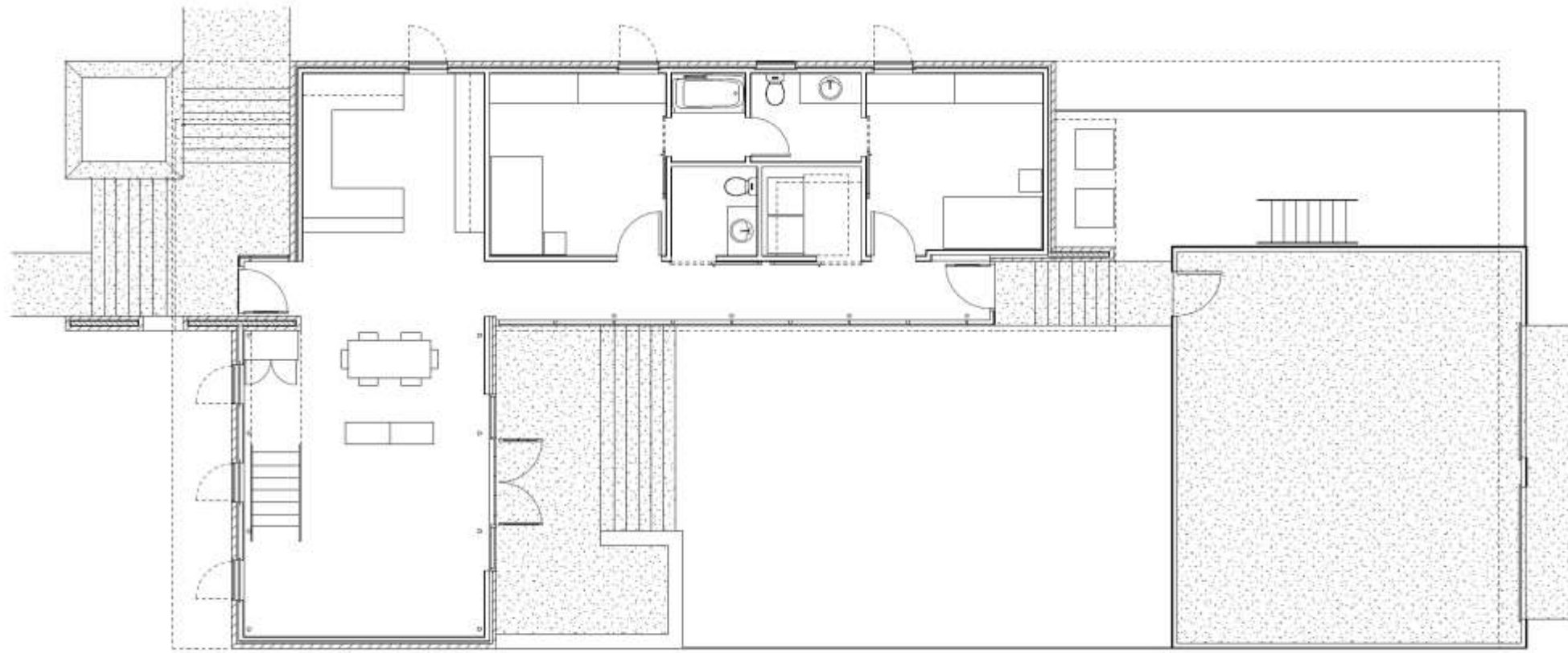
MODULAR BRICK VENEER

6" FIBER CEMENT LAP SIDING - PAINTED

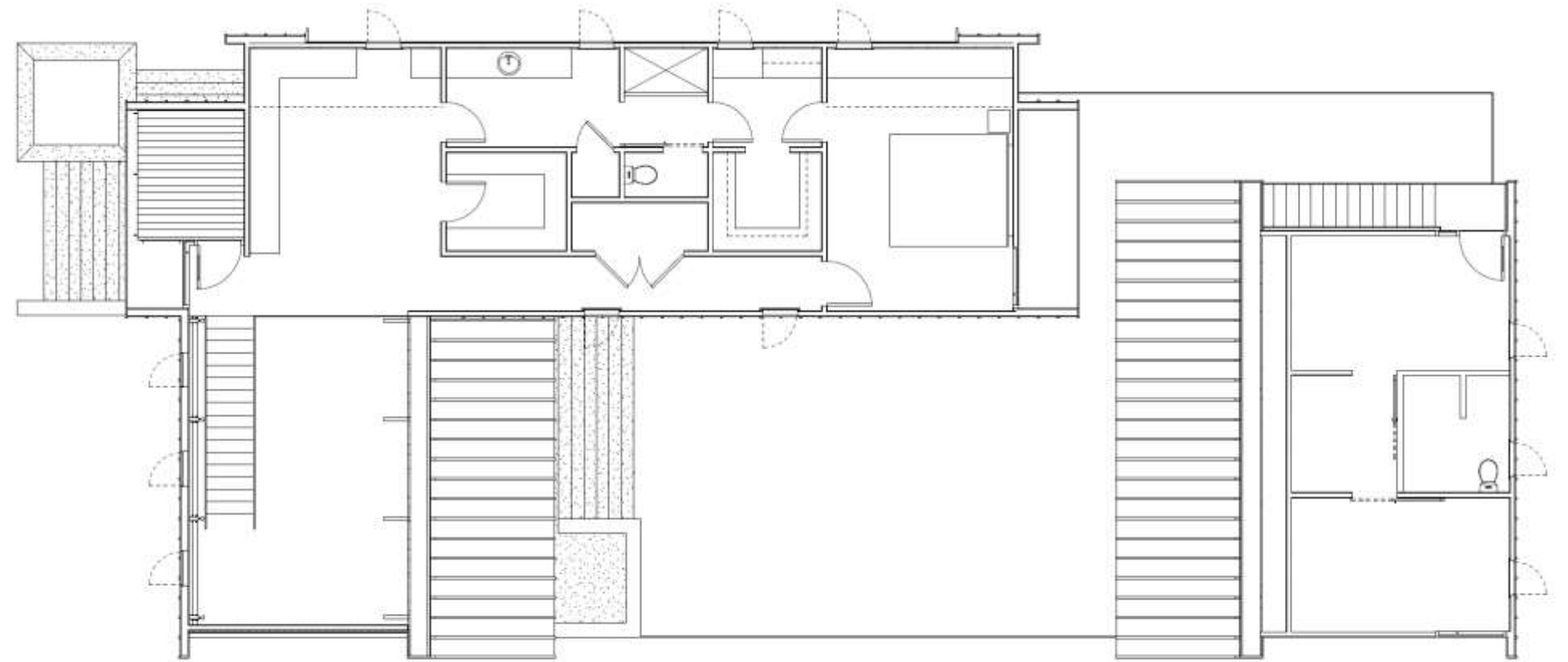
6' PRIVACY FENCE

MODULAR BRICK VENEER WITH INTEGRAL COLOR MORTAR

EAST ELEVATION

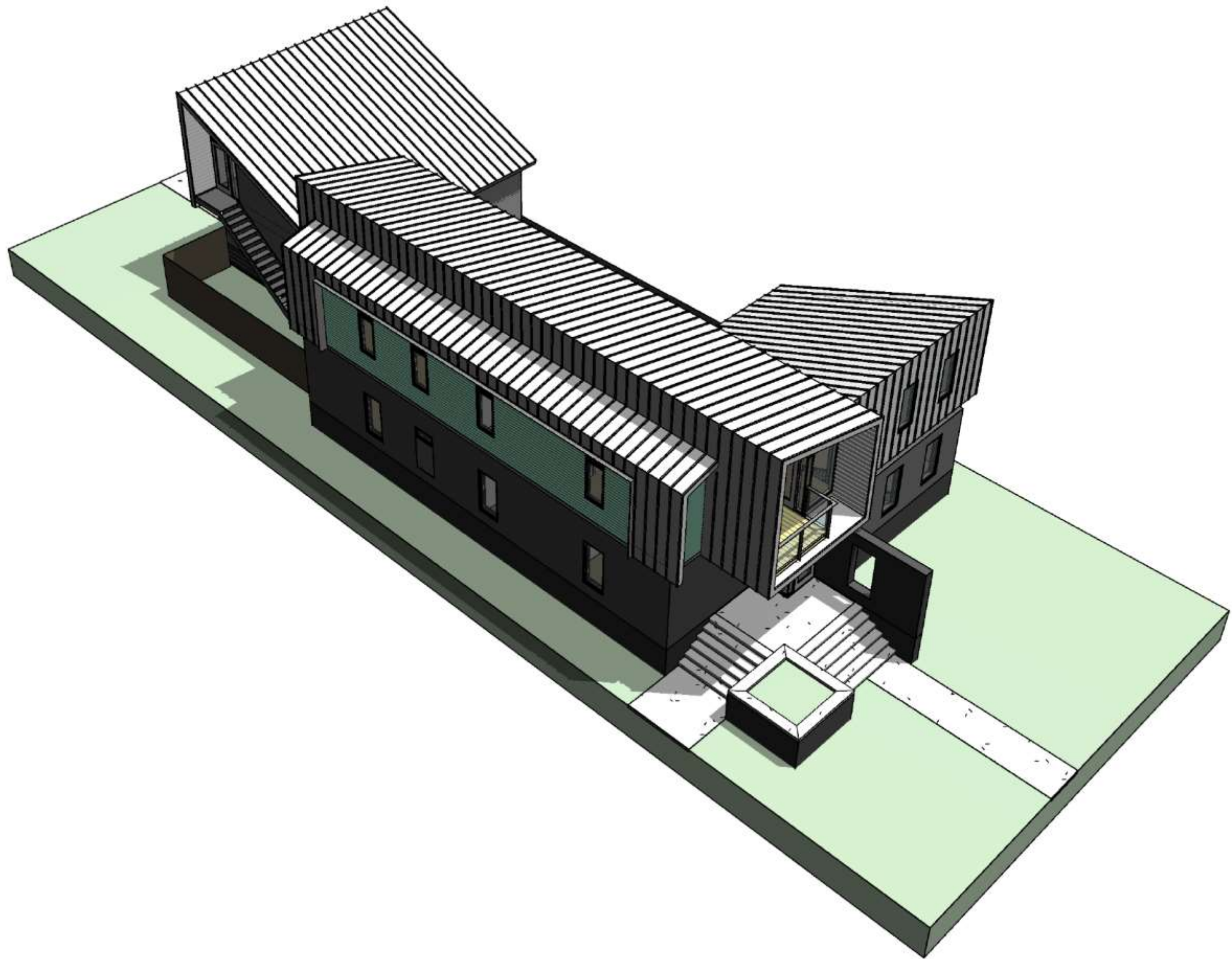


1ST FLOOR

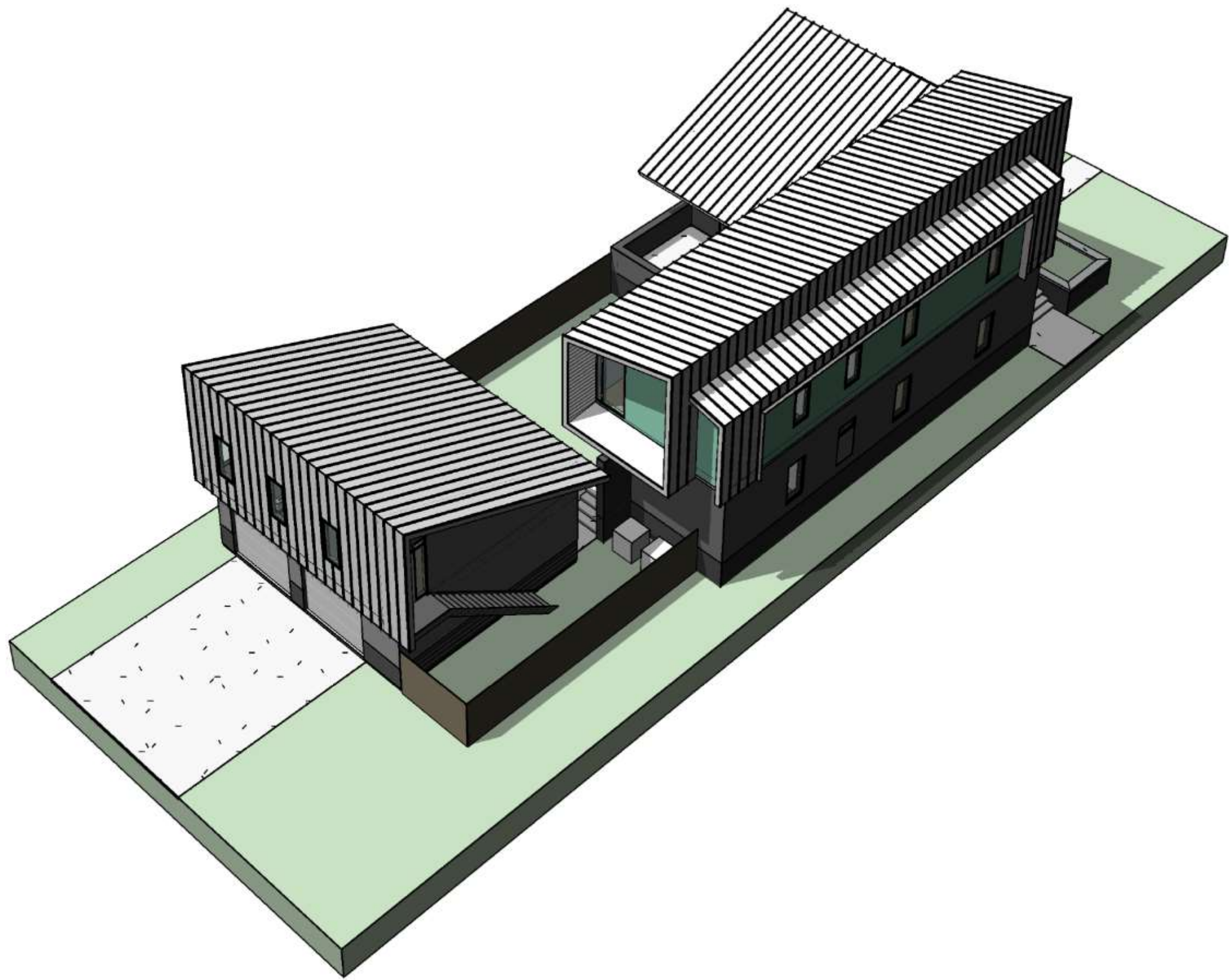


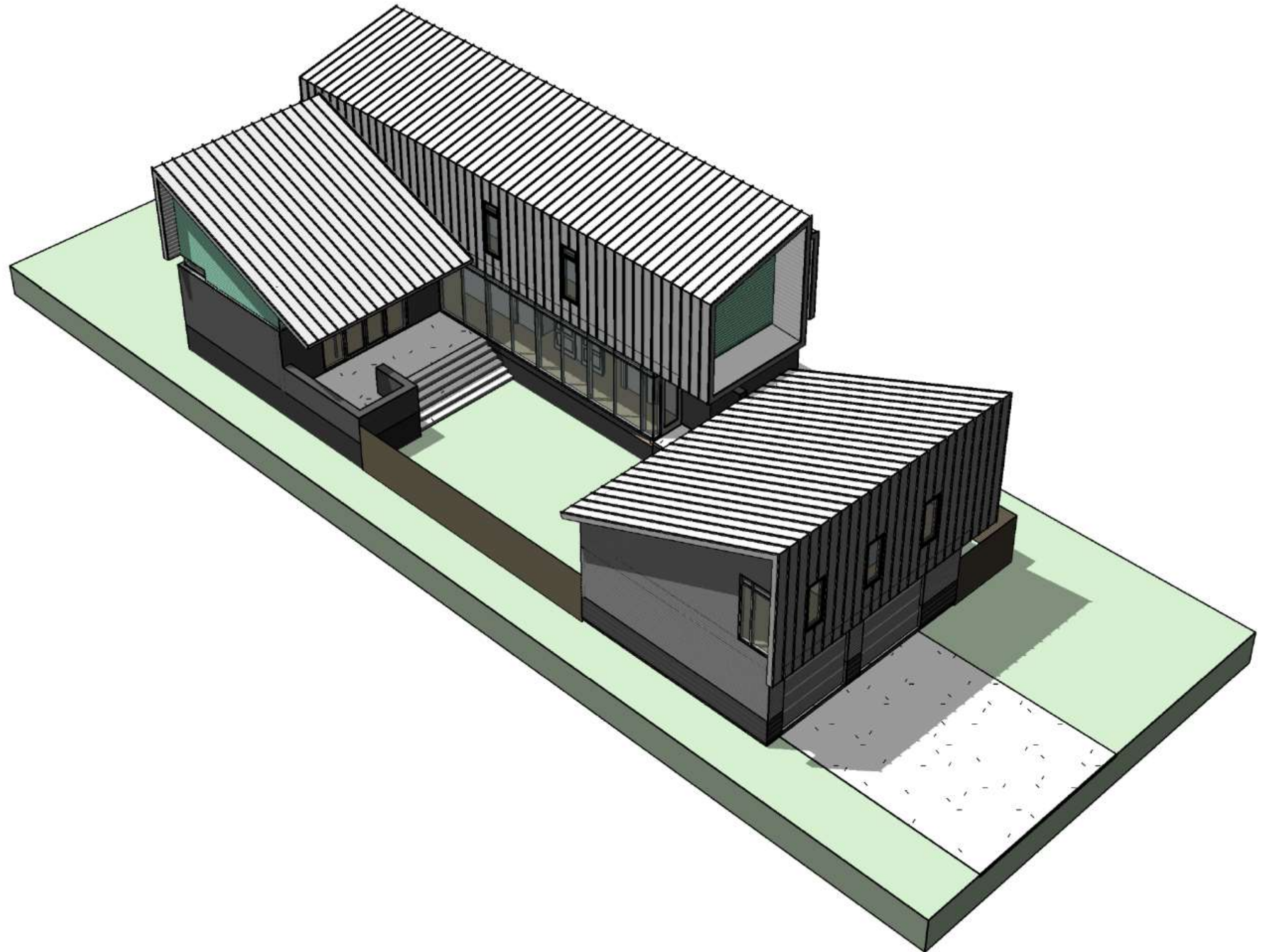
2ND FLOOR



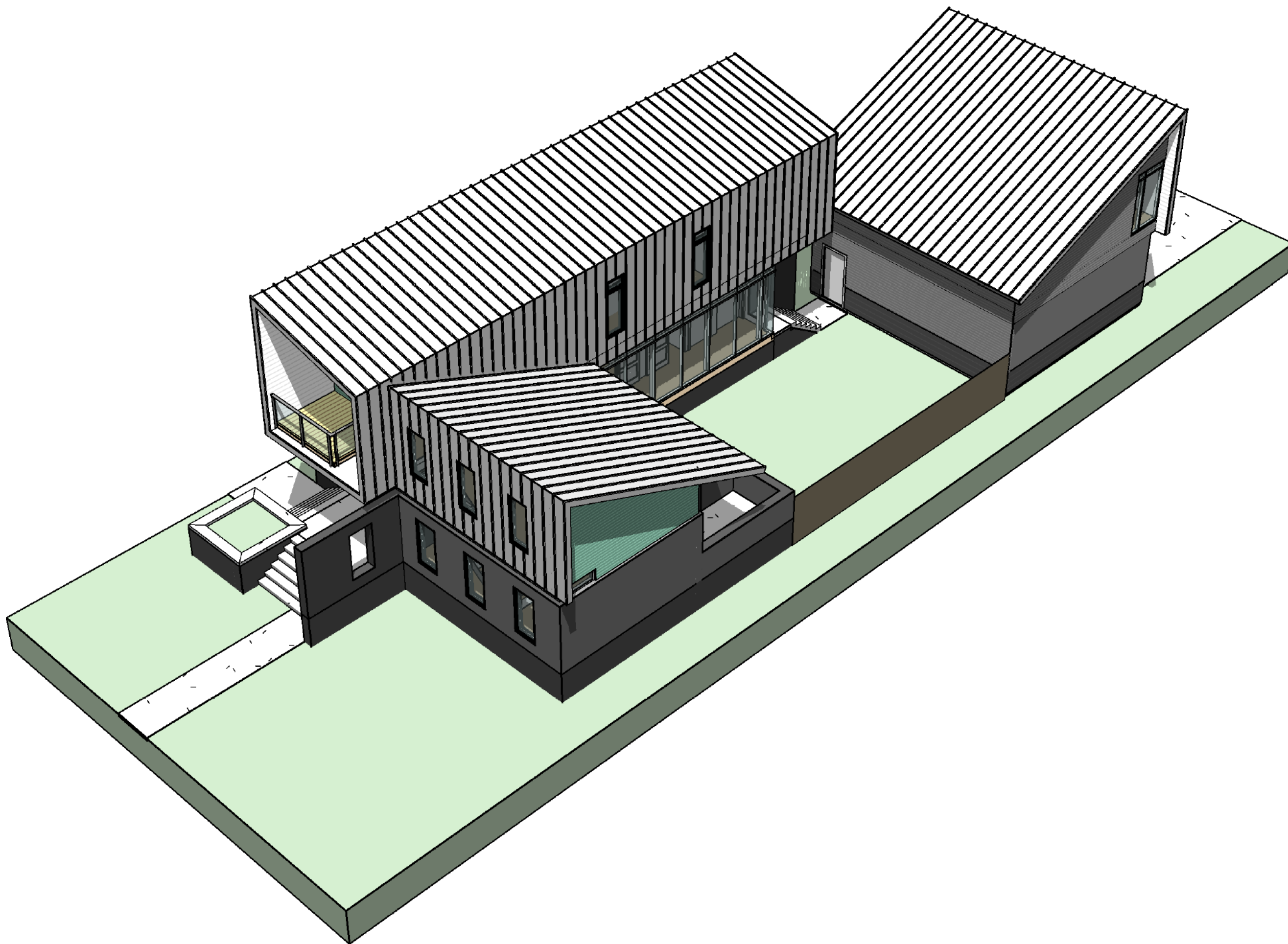






















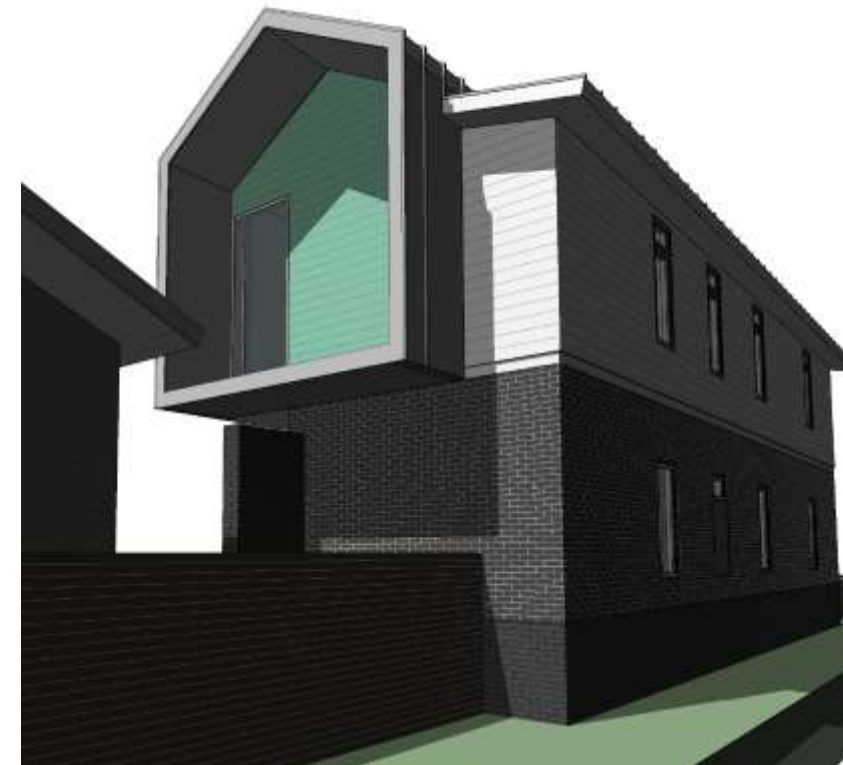






### Alternate Design #1

*Prior to the Design Review Committee meeting, the applicant submitted these revised drawings of alternative roof configurations.*



Alternate Design #2

